IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.679 OF 2005

Mr.Rahul Gopal ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.Shirish Gupte with Mr.Girish Kulkarni
for Applicant.
Mr.A.S.Gadkari, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

FEBRUARY 21, 2005.

P.C.

1. Heard Counsel for the parties.

2. The Applicant has been arrested in connection with the offence punishable under Sections 9, 10 and 13(1) of the Prevention of Corruption Act in respect of C.R.No.58 of 2004 registered with Anti Corruption Bureau, Bombay. It is not in dispute that maximum sentence in respect of the said offence is seven years. The Applicant

is in custody since 20th December 2004. More than sixty days have elapsed, but no charge-sheet has been filed. The Applicant has approached this Court for bail, though, not on the ground of default but on merits. Hearing of this Application was deferred on the statement made by the learned A.P.P. that efforts will be made to file the charge-sheet before the statutory period. However, it appears that investigation is still in progress.

3. As charge-sheet has not been filed within the statutory period, coupled with the fact that the Applicant has approached this Court for bail and is willing to furnish bail bond on such terms and conditions as this Court may deem appropriate, the Applicant deserves to be enlarged on bail on the following conditions:

(a) The Applicant is granted bail in connection with C.R.No.58 of 2004 registered with Anti Corruption Bureau, Bombay, on executing personal bond in the sum of Rs.1,00,000/- (Rupees One Lakh) with two local sureties in the like amount.

(b) The Applicant be initially released on deposit of cash for the like amount, to be substituted by appropriate surety within ten days from the date of release of the Applicant.

(c) The Applicant shall report to the concerned Investigating Officer as and when called upon, as investigation is still in progress, till the filing of the charge-sheet.

(d) The Applicant shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

(e) The Applicant shall not leave the jurisdiction of the concerned Police Station during the pendency of the trial, without prior intimation to the concerned Investigating Officer or the Trial Court.

(f) The Investigating Officer shall retain custody of the passport of the Applicant, which has

already been surrendered till the appropriate orders to be passed by the competent Court.

(g) The Applicant shall extend full co-operation to the Trial Court for early disposal of the trial and if the Trial Court is of the opinion that the Applicant is responsible for the delay of the trial, that fact be recorded in the Roznama, which will be a ground for cancellation of bail.

4. Application disposed of on the above terms.

A.M.KHANWILKAR, J.